

Agenda Item No. 3.1.d  
For Agenda of Aug 8, 2006



## *Tigard City Council Meeting Minutes*

Date: July 11, 2006  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the meeting to order at 6:30 p.m. The City Council went into Executive Session after Mayor Dirksen read the citation specifying why the Executive Session was being held. Legal Counsel Ramis arrived shortly after the City Council went into Executive Session and was present for the discussion regarding litigation.	
Executive Session	The Tigard City Council went into Executive Session at 6:32 p.m. to discuss real property transaction negotiations and consultation with legal counsel concerning current litigation or litigation likely to be filed under ORS 192.660(2)(e) and (2)(h).  Executive Session concluded at 6:50 p.m.	
Study Session Council Calendar	Calendar items listed on the Study Session Agenda were reviewed.	
Study Session City Council Groundrules	Mayor Dirksen noted that two weeks ago the City Council received copies of the Tigard City Council groundrules as well as comparative groundrules from other cities. He asked if anyone would like to bring up any item for discussion regarding this review, which is an annual review.  General comments were made on groundrules citing too many or too few could present problems. As an example, Mayor Dirksen noted the issues experienced by the City Center Advisory Commission (CCAC), which was a topic of discussion at the July 6, 2006, Special City Council meeting. Councilor Woodruff noted as a result	Policy Direction was given regarding Council minutes. (See * on Page 3).  Proposed addition to the Council Groundrules Addition: Council members should attempt to give at least 24 hours' notice, by advising the City Manager and the City Recorder of a request to remove a Consent Agenda Item for separate discussion.

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	<p>of the special meeting, some good things will be started such as training for advisory committee people and providing clarity of staff and liaison roles. Councilor Woodruff said he talked to CCAC member Carl Switzer who encouraged a City Council member to attend advisory committee meetings at least once a quarter. Mayor Dirksen noted he thought the requirement was for the City Council to meet with each of the advisory groups at least once a year. Assistant City Manager Newton said what she thought Councilor Woodruff was saying was for a Council member to attend an advisory committee meeting once a quarter. Mayor Dirksen noted that some task forces, especially ad hoc task forces, have a specific goal and a finite lifespan. Often times a City Council is a member of those committees.</p> <p>Mayor Dirksen asked if there was anything in the City Council groundrules that a Council member would like to have removed or added.</p> <p>Councilor Sherwood said she was still of the opinion that pulling items from the Consent Agenda should be done with at least 24 hours' notice to the rest of the City Council so the members have an opportunity to research or ask questions about the item. Mayor Dirksen said he thought this could be a guideline and asked that City Council members try to do this; however, he said he thought it was too restrictive of the Councilors' powers to say they must give 24 hours' notice. Councilor Harding said that if people had studied the items and if they were willing to support them anyway, then she did not understand why more time would be needed for study. She said that if more study was needed, then the item could be held over to the next meeting. Mayor Dirksen said that other Councilors might not be aware of the reason why a Council member is asking to have the item removed. Mayor Dirksen said he thought it is a good guideline to try to give advance notice. Councilor Sherwood and Woodruff noted that the Council has a chance to review Consent Agenda items well ahead of time. Mayor Dirksen noted that often items are mundane while others were discussed previously and the Council had reached a consensus.</p> <p>Councilor Harding noted an issue with timely and advance review of City Council minutes. As an example, she referred to a concern she had with the minutes on tonight's agenda regarding the June 13 discussion for a Metro item. Her remarks at that meeting were characterized as pro-Metro, while she prefaced her</p>	<p>This wording change will be reflected in the Council Groundrules for City Council review and discussion in the August 15 City Council workshop meeting.</p>

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<p>*Policy direction for Council meeting minutes.</p>	<p>comments on this item with a statement that if it were put to a vote to abolish Metro, it would pass hands down. She said she did not have time to listen to the video or review tapes but said she did not think the remarks assigned to her in the meeting minutes for this item reflected her intent. Councilor Harding said if people are researching the public record, the intent could be misunderstood; the speaker's intent needs to be clear.</p> <p>*Discussion followed among City Council members and the City Recorder regarding setting a policy for the Council meeting minutes. Consensus of the Council was for minutes to be filed electronically with the Council in draft form when the draft is completed. Council members will contact the City Recorder to correct errors, clarify intent, or verify statements with the audio recording. If the draft minutes are edited, the City Recorder will notify the Council members of the proposed changes before scheduling the minutes for approval. The goal will be to have the draft minutes to the Council within two weeks after the meeting date. Minutes will not be verbatim but produced in a summary format; however, if a quote is used, the quotation will be assigned to the Council member who made the statement. Council members decided this should be a policy agreement with the City Recorder rather than adding it to the bylaws.</p> <p>Mayor Dirksen requested further discussion on the Consent Agenda issue. He suggested that as a compromise the Council might consider adding a clause saying that Council members should attempt to provide 24 hours' notice when they want to pull an item from the Consent Agenda. Councilor Woodruff asked how notice would be provided; i.e., a note to the City Manager? Mayor Dirksen said a City Council member could notify the City Manager and the City Recorder. Councilor Sherwood said this would give other members an opportunity to call the Councilor to ask why the item was being pulled. Councilor Harding noted a Councilor might still be researching an item 24 hours in advance of the meeting. Mayor Dirksen said he thought this would be an acceptable response by the City Council member who was investigating an issue. Councilor Harding noted a Consent Agenda item that is coming up where only one bid was received for a project; she noted her concerns that bids are being advertised in a publication that has little readership. This was an example of an item for which she was uncertain when and how it could be addressed.</p>	

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	<p>Mayor Dirksen said with 24 hours' advance notice many of the issues could be resolved and the item could remain or return to the Consent Agenda. There is always the option when the Consent Agenda is being reviewed that rather than pulling it for discussion that evening, to pull it and table it for consideration or discussion at a future meeting. Councilor Wilson noted some Consent Agenda items are time sensitive and the notice would give staff the chance to alert the City Council that if an item is pulled, there could be consequences. Councilor Wilson and Councilor Sherwood noted support for Mayor Dirksen's proposal regarding the Consent Agenda. (See action/follow up column on Pages 1 and 2 for a summary of the proposed wording.)</p>	
Study Session – Administrative Items	<p>Assistant City Manager Newton reviewed the following with the Council:</p> <ul style="list-style-type: none"> <li>• Representatives from Tualatin Valley Fire &amp; Rescue will be present.</li> <li>• Two public hearings are on tonight's business meeting agenda.</li> <li>• City Council members will discuss comments to the Washington County Board of Commissioners regarding the proposed Bull Mountain City incorporation. This agenda item is for a discussion among the Council; it is not set up for a public hearing.</li> <li>• Information regarding the City Center Advisory Commission (CCAC) was distributed to the City Council. The CCAC is listed on tonight's business meeting agenda. Mayor Dirksen recalled that last week the City Council asked for background information on boards and commissions in general and, specifically, for the CCAC. Mayor Dirksen said he also requested a list of all the CCAC members.</li> <li>• Interim Community Development Director Coffee advised Lisa Hamilton-Treick requested information on the property the City is purchasing. He said this would not be available to the public until the Council acts on it when scheduled on the agenda.</li> <li>• Interim Community Development Director Coffee directed discussion back to the CCAC item and requested information on what will be before the City Council. Interim Community Development Director Coffee said that it was his understanding that the only item before City Council this evening is to appoint the alternates. The Council is scheduled</li> </ul>	

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	<p>to review on August 15, 2006, the information distributed to the City Council as well as proposed "charge statement, roles/responsibilities, rules of procedure, etc."</p> <p>After discussion, City Council decided it might be able to give direction to staff about preparing the necessary resolution for appointment of an alternate(s) to the CCAC. Mayor Dirksen called members of the CCAC and he will report what he learned from these calls during the business meeting. (See Agenda Item No. 5.)</p> <p>Interim Community Development Director Coffee clarified that the CCAC has started working on rules of procedure and bylaws. Staff will bring this to the City Council for its review along with some alternative ways to proceed. For example, the number of members (preferably an odd number) will need to be determined. Mayor Dirksen said he would like to leave room on the CCAC for either Councilor Sherwood or Councilor Wilson or both if they come off City Council. Interim Community Development Director Coffee suggested that at the August Workshop meeting, the City Council discuss the number it would like to have on the Commission and establish terms. Mayor Dirksen agreed the City Council should look at establishing and staggering terms.</p> <p>The goal for tonight's discussion will be to confirm how the City will proceed with the CCAC. Councilor Woodruff wants to make sure that the discussion reflects that the City Council supports the core group of this committee. He said that we expect them to go forward and we will provide them with more information over the next few weeks. He said he did not want them to come away feeling as if they are a "lame duck" group, are not fully invested, or do not have the support of the City Council.</p> <p>Councilor Wilson noted there is also the question of the CCAC's authority; i.e., do they direct staff or advise City Council. Interim Community Development Director Coffee said the basic concept is that the CCAC advises the City Center Development Agency. This means the CCAC does not direct staff or consultants; their focus is to be on policy. Councilor Harding asked if anyone has checked with the National League of Cities to determine if there is a "boilerplate" format for</p>	

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	<p>different types of committees. Interim Community Development Director Coffee agreed staff will review this type of information; but the basic question is whether this group is to address policy or administration. Interim Community Development Director Coffee said there were people on the CCAC who believed they had a direct line to the City Council; they should be directing staff and the consultants hired by the staff. It is important to have roles and responsibilities clarified for future members.</p> <p>Assistant City Manager Newton advised work is being done to clarify staff liaison roles</p> <p>Study Session concluded at 7:15 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:32 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports:</p> <p>Councilor Harding advised that the July 10, 2006, Washington County Coordinating Committee meeting was cancelled. It has been rescheduled for Monday, July 17, 2006, at noon, on the second floor of Beaverton City Hall. The Washington County gas tax will be discussed.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items:</p> <p>Assistant City Manager Newton reported staff would like to add consideration of a property sale agreement. (See Agenda Item No. 10)</p>	
2. Citizen Communications	<p>Mayor Dirksen called for citizen communications for individuals who would like to speak to the Council on an issue that is not on the agenda this evening.</p> <ul style="list-style-type: none"> <li>Jeanette Slepian, 16020 SW 146<sup>th</sup> Avenue, Tigard, OR 97224 signed in; however, she was not present during the Citizen Communications portion of the agenda. Lisa Hamilton-Treick addressed the Mayor and said she thought this was a misunderstanding; she believed Ms.</li> </ul>	

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	<p>Slepian signed up to speak on Agenda Item No. 7. Mayor Dirksen clarified this is Agenda Item No. 8: Comments to Washington County Commissioners regarding proposed Bull Mountain Incorporation. The Mayor advised that this item is not a public hearing; it is the Council review of the comments prepared for the public hearing at the County Commission's meeting on July 25. The purpose is to provide confirmation that the City Council is in agreement with the testimony before that meeting.</p> <ul style="list-style-type: none"> <li>• Lisa Hamilton-Treick, 13565 SW Beef Bend Road in the unincorporated area of Bull Mountain noted her concerns with the procedure for tonight's meeting. She said she was unclear when they would have the opportunity to comment and also was concerned about a map showing Tigard-owned properties within the proposed new incorporated City of Bull Mountain. She said there was still some information left off the map. Ms. Hamilton-Treick asked when those in the area most affected by the City Council's discussion tonight would have an opportunity to comment.</li> </ul> <p>Mayor Dirksen noted the comments regarding the incorporation were drafted as the Council prepares its position and comments for the public hearing that the County Commission will have on July 25. Other than the fact that the Council will discuss this matter in public, the Council's position will be made public at that hearing. There might be changes to the comments; however, he assumed the City Council would try to finalize the comments this evening.</p> <p>Ms. Hamilton-Treick asked if there would be no opportunity for anyone to comment on Agenda Item No. 8 tonight. She said she thinks this is in conflict with the published information regarding whether someone wishes to comment on an agenda item. Mayor Dirksen clarified the opportunity to comment is for an item not on the agenda. The public comment period, which is usually Agenda Item No. 2, for an opportunity for citizens to bring an issue up before City Council that is not on the</p>	

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	<p data-bbox="516 226 609 262">Agenda.</p> <p data-bbox="516 289 1055 1207">Ms. Hamilton-Treick asked that when there are agenda items, does the public generally have an opportunity to comment on any agenda item. Mayor Dirksen confirmed that public can comment if the item is scheduled as a public hearing. Ms. Hamilton-Treick said there is a problem because the City Council is going to be discussing things tonight for the first time in public. Many Executive Sessions have gone on with the Tigard City Council and at least one or two Intergovernmental Water Board meetings including one with the Tigard Water District. She said that these things all play into one another. She said that tomorrow night the Menlor Reservoir motion will be proposed to annex that parcel. She said they could not look at these parcels individually. This is something that significantly impacts them. She said this is the first time she has seen this information on an agenda in front of the public and no one can comment. Mayor Dirksen said the Business Meeting provides an opportunity for the City Council members to discuss, among themselves, what they are going to do. Public meeting law says that all those meetings must be open to the public, which means the public can be present and hear what is said and see what is done.</p> <p data-bbox="516 1239 1055 1732">Ms. Hamilton-Treick says she feels shut out of a very important process. She commented that the process was not fair and noted maps would not be made available tonight for the public until 9:30 p.m. tonight. She said she sees an error on the map. She added that comments were made in the newspaper today that were erroneous. This is critical information and she said she did not feel that people who live in the incorporated boundaries and Tigard citizens are getting "a fair shake." There is information critical to "this process" that is not being made available. She said she was really sorry to hear that this is "your position" and is surprised, shocked, and disappointed.</p> <p data-bbox="516 1764 1055 1890">Councilor Woodruff advised that the Tigard City Council will not be making the final decision about the boundary. There will be an opportunity for a public hearing before the</p>	



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	<p>group that will be making that final decision; that's where there will be an opportunity for every interested party to come forward and make their position known. The Tigard Council will have a position at that hearing as well, "just as you and whoever else may be interested....If we were making the final decision on what your concerns are, then I can see your point. But, we are just forming our own opinion of what to present to the body that is going to make that final decision. You are going to have equal standing there just as we are."</p> <p>Ms. Hamilton-Treick asked if she could rest assured that prior to Washington County making a decision whether or not to place incorporation on the ballot that the City Council will not be involved in any permanent decisions that affect "our" boundary before that decision is made. She said the Intergovernmental Water Board is already poised to make a decision tomorrow night and she said she was concerned about the process. Councilor Woodruff said, "The five of us who are sitting on this side of the table are charged with representing the people who elected us, the residents of Tigard. So, we need to make decisions that we think are in the best interests of the residents of Tigard. There is no set boundary yet. There is a city limits boundary and there is an unincorporated boundary. We continue to make decisions about what we think is in the best interests of the City of Tigard. You are going to present issues that you think are in the best interests of the people that you represent. I don't think you are being shut out; we are not doing anything different than we have done before. If we have opportunities to expand in an annexation kind of way, we are going to continue to do that as it meets the letter of the law and until that is no longer available to us."</p> <p>Ms. Hamilton-Treick asked if she understood that the City of Tigard would pursue annexation of unincorporated Bull Mountain until the day of incorporation. If the incorporation fails, the City of Tigard will begin annexing again? Councilor Woodruff said it would be no different than it has always been.</p>	

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	<p>Councilor Wilson said he thinks the position that the City of Tigard will represent to the County is quite similar to what the Council has already said in public. He said, "We are not trying to ambush anybody...I think we have always had certain interests at heart, and you know what they are. I think we have been...consistent."</p> <p>Ms. Hamilton-Treick said that "As a resident of unincorporated Bull Mountain...my community...and those are the ones affected by your decisions should be left alone until the people there decide whether or not that works for them. And, if it doesn't work for them, then it sounds like the City of Tigard – well either way – it sounds like the City of Tigard will continue to pursue annexation of Bull Mountain until the day it is incorporated. If it's not incorporated, you will continue to pursue annexation in unincorporated Bull Mountain, even though 90 percent of the people there said, 'No thank you,' two and one-half years ago."</p> <p>Mayor Dirksen said that every annexation that the City has done has been at the request of the people who own the property. Ms. Hamilton-Treick said she would prefer not to get into that discussion; "we have a different way" of looking at the documentation.</p> <p>Councilor Woodruff noted that Ms. Hamilton-Treick was present when the Council had discussions about how active the City of Tigard wanted to be in annexation. The City said it would not be aggressive in annexation; the city would not annex roads or cherry-stem – but the City would continue to annex those areas that requested annexation, were contiguous to the City of Tigard, or property that we owned. He said he did not think this was any different than it has ever been. The question the people might consider on whether to form the new city does not change the goals and efforts of the City of Tigard to pursue what is in the best interest of the City of Tigard – "the people that elected us."</p> <p>Ms. Hamilton-Treick said it appears there is a</p>	

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	<p>difference of opinion in terms of definition of the word “oppose.” She said, We sat here before you on June 26 (City Recorder’s note: this date should be June 27) and heard three or four of the Councilors and the Mayor say that you were not going to oppose this effort, that you thought that this was viable, that it was the next best thing to being part of the City of Tigard and we took that as a vote of support and that you weren’t going to step in front of our effort...We are within two weeks of the first public hearing in Washington County. We are six or seven weeks out from having gathered nearly 800 signatures over a three-day weekend...asking that this go on the ballot with the very map that is currently proposed now for our boundary. And, you are a few weeks before that, wanting to take many acres that are not all owned by the City of Tigard or the Tigard Water District. There is a lot of property there that is not owned by the City or the Tigard Water District, contrary to the comments in the newspaper today. And, you are proposing to take another big bite out of the community that we have worked so hard for seven months to give an opportunity to vote on the boundary. And, now you want to take that out within just a few weeks of the County’s decision. And, “I don’t think that is very neighborly.”</p> <p>City Attorney Ramis reviewed a couple of points from a legal context. When someone approaches the City and petitions for annexation, the City Council is obligated to hear the case. The City Council cannot decline to consider an annexation request because it agrees boundaries should be left alone. In hearing the case, the City Council would have to make the decision under the criteria that applies, which includes the City’s adopted policy to have annexations in those areas. Even if the City Council was inclined to agree with someone that the City should have a hiatus in applications, the City Council would need to do some things legally that do not exist now to carry that out; there is an obligation in this case.</p> <p>Mayor Dirksen said he understood that Ms. Hamilton-Treick has her group. He said, “Your group is, to some extent, at cross purposes and has been over a period of time. While, as we</p>	

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	<p>said, we are supportive of the idea of the Bull Mountain area incorporating under the right conditions, we said that we had some issues and concerns with the plan as it existed. One of those concerns was the issue of boundary with regard to City-owned properties. The City will be bringing this up before the County Commissioners at the public hearing. At that public hearing, we will have an opportunity to state our case and you will have an opportunity to state yours as will others.”</p> <p>Ms. Hamilton-Treick said she would like to see status quo maintained until those public hearings are finished. Mayor Dirksen said he could understand why she would wish the status quo maintained, but he said he did not believe it was in the best interests of the citizens of Tigard. Ms. Hamilton-Treick said, “I guess that kind of explains why the folks on Bull Mountain and the folks...in the leadership of the City of Tigard just have had such a hard time being able to talk things through....I’m really sorry...I have tried many times to try to sit down and figure out how to make it work...this is just to me one more reason.”</p> <p>Ms. Hamilton-Treick said that in terms of the process this evening, I found this very confusing and she would have appreciated seeing the map. She said she would like to see the document Council is viewing be corrected as she has already mentioned to Interim Community Development Director Coffee that the Council met with the Friends of Bull Mountain on “June 26” (City Recorder’s Note: this date should be “June 27”).</p> <p>Ms. Hamilton-Treick said this new information significantly impacts residents in the unincorporated Bull Mountain area. Discussion followed. The position to be represented to the Washington County Board of Commissioners does not differ from what the Tigard City Council has said publicly all along. In response to a question from Ms. Hamilton-Treick, Councilor Woodruff said the Council position will continue to be to consider annexation of properties when the property owner requests annexation. City Attorney Ramis added that, in fact, the City Council is obligated to hear the case for annexation when</p>	

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	<p>such a request is made. Ms. Hamilton-Treick reiterated her disappointment in the process and the change in the boundaries when it is so close to possibly going out to a vote. Mayor Dirksen noted the Tigard City Council must continue to represent the citizens who voted for them.</p> <ul style="list-style-type: none"> <li>• Madeline Utz, 14880 SW 133<sup>rd</sup> Avenue, Tigard, OR advised she served for many years as a volunteer to the Tigard Library and was on the Library Board even though she lived in the Bull Mountain unincorporated area. She noted working on starting the Friends of the Library and the campaign for the first new Library. At that time, City of Tigard did not care where one lived; they were happy “for all of our efforts.” She referred to the Washington County Cooperative Library Service and a reciprocal agreement with two other counties for library use. She said that Durham, King City, and Aloha do not have their own libraries and they are using other cities’ libraries. She said she cannot understand why it is such an issue for Bull Mountain residents to use the Tigard Library. She said she is tired of hearing that Bull Mountain residents should not be using the library. She said that because of the high assessed values of properties on Bull Mountain, the residents there are paying a good share of the operating costs.</li> </ul> <p>Mayor Dirksen responded to Ms. Utz, noting that the City’s calculation is that about 30 percent of the City’s operating budget comes from the County levy; 70 percent from the City’s budget. City residents also pay the County tax as do the incorporated residents. People who live in the Bull Mountain area, which is part of the City’s service area as defined by WCCLS, contribute about 9 percent of the operating revenue; however, the Bull Mountain area represents 20 percent of the users of the library. Mayor Dirksen in response to a comment from Ms. Utz, clarified that he does not resent people from Bull Mountain using the Library, but did wish they paid the same amount of tax as City residents. Ms. Utz suggested Tigard negotiate with WCCLS for additional funding from the unincorporated area. She noted she now uses the City of Lake Oswego Library because she feels unwelcome in Tigard. Mayor Dirksen responded that no one should feel</p>	

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	unwelcome to use the Library since no individual is responsible for the circumstance. The circumstance exists only because of the way things are set up right now, which the City doesn't think is appropriate any longer. When the population of Bull Mountain was relatively low, the impact was low. The area has continued to develop, which means increased impact on facilities. Ms. Utz noted at one time there had been a fee charged for out-of-district cards in Multnomah County and, perhaps, the City of Tigard should explore this with the Cooperative.	
3. Consent Agenda	<div>3.1 Approve Council Minutes for June 13, 2006</div> <div>3.2 Receive and File:<div>a. Council Calendar</div><div>b. Tentative Agenda</div></div> <div>3.3 Approve an Annual Merit Pay Adjustment for the City Manager</div>	<div>Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the Consent Agenda.</div> <div>The motion was approved by a majority vote of Council present.</div> <div><div>Mayor Dirksen</div><div>Councilor Harding</div><div>Councilor Sherwood</div><div>Councilor Wilson</div><div>Councilor Woodruff</div><div>Yes</div><div>No</div><div>Yes</div><div>Yes</div><div>Yes</div></div>
4. Tualatin Valley Fire and Rescue (TVF&R) Deployment Report	<div>Public Works Director Koellermeier introduced TVF&amp;R Assistant Chief Paul LeSage. Assistant Chief LeSage presented information regarding how their organization deals with deployment and how this affects a new station.</div> <div>Assistant Captain LeSage reviewed data used to site fire stations in urban areas including standards for response times, density, access and terrain (i.e., steepness and wooded areas near homes).</div> <div>Assistant Captain LeSage noted each speed hump adds seven seconds to response time. Tigard will begin using speed cushions (rather than speed humps) for traffic calming, which are better for emergency vehicles.</div> <div>The City of Tigard qualifies for the highest level of emergency resources.</div> <div>Assistant Captain LeSage described TVF&amp;R services when responding to an emergency including staffing and resources needed, performance levels, reliability, and peak activity challenges.</div>	

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	<p>A new fire station will be deployed in Tigard, located on Walnut Street, near Gaarde Street. This new 9600 square foot station will also have a community room available for public use.</p> <p>Councilor Sherwood noted her appreciation for the annual information-sharing meetings with TVF&amp;R.</p> <p>Councilor Harding suggested a campaign reminding the public to pull over when emergency vehicles lights and sirens are activated.</p>	
<p>5. Discuss City Center Advisory Commission (CCAC)</p>	<p>Interim Community Development Director Coffee reviewed recent Council discussions regarding the CCAC. The purpose of tonight's discussion is for the Council to review what the City Council intends to do in terms of the future of the CCAC regarding membership and to decide whether to devote time at the City Council Workshop meeting of August 15 to set out the roles, responsibilities, membership, rules and procedures of the CCAC.</p> <p>Mayor Dirksen requested that the City Council discuss the composition of the CCAC in the near future and then what is needed to be done, if anything, in the future for the CCAC. He opened this topic up for general Council discussion.</p> <p>Councilor Woodruff said he thought it was a good process to give everyone on the CCAC an opportunity to provide some perspective as was discussed at the Special Council meeting last Thursday evening. He was hopeful that the City could move ahead with the current CCAC membership with the addition of one or two alternates. Councilor Woodruff referred to the large amount of work for this group. It is important that the CCAC receives a clear mandate from the City Council to move ahead while recognizing there is more work that the City Council needs to do to help the Commission over the next few months. He said he would not want to see a hiatus in the work the CCAC is doing or for the members to receive the message that the City Council is not supportive of the group to move ahead.</p> <p>Councilor Sherwood noted the concerns expressed that the City Council wanted local business people from the downtown area be represented on the CCAC. Mayor Dirksen said City Council had asked him to contact the members of the CCAC who had tendered their resignations and to offer them the opportunity to reconsider their resignation. Mayor Dirksen said he was</p>	<p>Discussion on the CCAC will continue at the City Council workshop meeting on August 15, 2006.</p> <p>A resolution appointing a new member to the CCAC will be presented for City Council consideration on July 18, pending the Mayor's direction after talking to the two alternate members.</p>

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	<p>able to talk with three of the four members who had resigned and all three said they are not interested in reconsidering their resignation. However, all three expressed a desire to continue to be involved as private citizens and property owners. At some point in the future, they might reconsider coming back on the CCAC.</p> <p>Mayor Dirksen noted that the current membership is nine, not counting the alternate position. He noted Councilor Wilson and Councilor Sherwood have indicated they probably would not run for reelection and will be going off of the City Council at the end of this year. Mayor Dirksen said he would like to see one or perhaps both of them on the Commission at some point in the future. He said he would be in favor of reserving a position within whatever number is decided upon as a final number of members on the CCAC.</p> <p>Mayor Dirksen said the City Council has discussed that they would like to come up with clear guidelines, a mandate, and operating bylaws for the CCAC (i.e., number of members, term lengths). Perhaps additional members could be considered at the end of the year.</p> <p>Councilor Wilson said he was very interested in what is happening in the downtown; however, in his experience with boards and committees, it is important to have defined terms as well as a formal way to remove individuals who find that they cannot attend meetings. As an example, the Planning Commission's bylaws have a provision to remove members who are chronically absent. He added that it is important to maintain continuity of membership, have an odd number of members, and for the committee to not be too big. He said he wasn't sure he supported holding a position open for either him or Councilor Sherwood, especially if there are alternates who have been serving on the CCAC. He said it was likely that members will drop off either voluntarily or lose interest. He would rather wait for an opportunity to serve on the CCAC and apply as anyone else would be required to do. Councilor Sherwood advised she agreed with Councilor Wilson. Councilor Harding said Councilor Wilson's point was well taken and all committee members need to be recognized for the contributions they make. She noted the City relies on its committees and task forces.</p> <p>Councilor Sherwood said a lot of time and energy has been invested in the downtown effort as a lot of other things were also happening. She said she would like to</p>	



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	<p>apply for service on this committee as others would be required to do.</p> <p>Councilor Harding asked if the chairperson of the Committee needed to be a resident of the City noting this is a requirement for some of the other City committees. She suggested the City Council review this. She also noted there are people who serve on the committee who are business owners, but not property owners. What demographic does the City want of this advisory commission as they are asked to bring in the opinion of the citizenry so the City Council can make decisions based on what is in the greater good for the whole community.</p> <p>Councilor Sherwood noted she belongs to a number of boards and commissions. Nothing ever stays the same as people come and go. New members will have different ideas and levels of energy. Councilor Sherwood commented that these types of groups are always in a "change mode." This group will change as new members are appointed and as new ideas are introduced.</p> <p>Councilor Harding said she would like to see an individual appointed to represent business owners, another representing downtown property owners, an aging/elderly population representative, and a transportation representative; that is, widespread demographics to present a broad-based picture of what needs to be addressed.</p> <p>Mayor Dirksen noted details will need to be discussed in the next few months. Mayor Dirksen asked if Councilor Harding was interested in having positions on the CCAC identified to represent a certain section of the community; i.e., Position No. 1 must be from the business community. She said yes, or if they are not from the business community, it is something they have a passion for or an interest in and this is the group of people they will connect with to bring those opinions to the City Council. Mayor Dirksen noted another City Board with a similar format – the Building Appeals Board. Councilor Harding said the City Council should not be afraid of controversy or different opinions; the Chair should have the support of the City Council and the ability to put everything on the table for discussion. She noted that if the group was large enough, perhaps there could be subcommittees to review special items that need to be addressed. She noted the great amount of talent in the community. She said a committee needs</p>	

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	<p>to have latitude to perform their function.</p> <p>Mayor Dirksen agreed with Councilor Harding noting that when a group, such as the CCAC is formed, they need to be given a task and then be allowed to do it.</p> <p>In response to a question from Mayor Dirksen regarding what should be done to go forward at this point, Councilor Sherwood suggested that staff prepare materials for City Council review at the August 15 Council Workshop meeting.</p> <p>Interim Community Development Director Coffee clarified that there are now eight members on the Commission. Mayor Dirksen suggested that in order to have an odd number of members on the Commission, that one of the alternates be appointed. The Mayor will contact the two alternates to determine who would be interested in serving on the Commission. Commission Alternate Craghead has expressed a desire to serve on the Commission. The Mayor said the other alternate Ralph Hughes, appears to be interested in retaining his alternate status. Mayor Dirksen said he would contact both Mr. Craghead and Mr. Hughes to confirm their wishes with regard to service on the Commission. Interim Community Development Director Coffee said staff would prepare a resolution for appointment of an alternate to the Commission pending the Mayor's direction. Assistant City Manager Newton advised staff might be able to place this on next week's agenda for City Council consideration.</p> <p>Councilor Woodruff commented there had been some discussion about starting over again with the CCAC membership. He said it is important that this message is not conveyed and that the current group has the support of the City Council to maintain the core group of people who have demonstrated their commitment to the process and that the group would "grow from there." Mayor Dirksen agreed with Councilor Woodruff. Mayor Dirksen noted in a recent meeting of the CCAC, there was an opinion expressed regarding a belief that the membership of the present Commission was interim and when the bylaw issues are resolved, then the "real" Commissioners would be chosen. Mayor Dirksen said, "I want to make it very clear there was never an intent to do that...The people that are there are there because we have confidence in them and want them to move forward..." Councilor Harding encouraged those on CCAC that if there is a particular area or demographic that they are passionate about, to let the City Council</p>	

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	know. Also advise the Council if there are other demographics that should be represented; i.e., affordable housing.											
6. Public Hearing (Legislative) – Entryway Sign Code Amendment (DCA 2006-00001)  and  7. Public Hearing (Legislative) – Incidental Uses in Cultural Institutions Code Amendment (DCA 2006-00002)	<p>Mayor Dirksen said he had been advised that Item Nos. 6 and 7 could be conducted as a single public hearing. City Attorney Ramis clarified each ordinance must be considered separately.</p> <p>Mayor Dirksen opened the public hearing.</p> <p>Mayor Dirksen asked if any member of Council wished to declare or discuss a conflict of interest or advise of abstention. There were no declarations.</p> <p>Interim Community Development Director Coffee introduced Associate Planner Farrelly who presented the staff report on two proposed legislative changes.</p> <p>The first proposal was for a Development Code Amendment on Entryway signs. He gave the background on the new City of Tigard logo and, as part of this effort, the City is considering installing signs with a new logo along roads at key entry points into the City. A review of the Tigard Development Code revealed that there is no provision for this type of sign. The proposed amendment would add a definition of “entryway signs.”</p> <p>Associate Planner Farrelly reviewed the key findings:</p> <ul style="list-style-type: none"><li>• Signs would be erected at major points into the City.</li><li>• Because there is a small number of sites where this type of sign could be located, it would be unlikely that a sign of this type would add to excessive sign clutter.</li><li>• Staff finds the proposed Development Code Amendment meets applicable review criteria and all required procedures have been followed for notification of agencies and the public.</li><li>• On June 5, the Tigard Planning Commission held a public meeting and recommended approval by a favorable vote (5 yes, 1 no, 1 abstention).</li></ul> <p>Councilor Wilson said he was surprised because almost every subdivision has a monument-type of sign. He said he did not think that what the City would be doing would be any larger than some of these signs. He wondered why this code amendment was necessary. Interim Community Development Director Coffee said that his recollection was that subdivision monument signs are part of the subdivision approval. These</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adopt Ordinance No. 06-09.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table> <p>Item No. 7 was continued to August 8, 2006.</p>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>entryway signs would not qualify for a "subdivision," which is why a special sign category is being proposed as part of the sign code.</p> <p>Public Testimony: None</p> <p>Councilor Wilson asked if there was any prohibition for lighting these signs. Associate Planner Farrelly said, "No."</p> <p>There was no further discussion on this item by the City Council. City Council considered the proposed ordinance:</p> <p>ORDINANCE NO. 06-09 – AN ORDINANCE AMENDING THE LANGUAGE OF THE CITY OF TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTER 18.780, TO CREATE A NEW "ENTRYWAY SIGN" CATEGORY, AND TO ALLOW ENTRYWAY SIGNS IN ALL ZONING DISTRICTS (DCA 2006-00001)</p> <p>Mayor Dirksen advised that Council was now considering Agenda Item No. 7, which was a public hearing regarding Incidental Uses in Cultural Institutions Code Amendment.</p> <p>Associate Planner Farrelly advised that this Code Amendment would allow incidental and subordinate commercial uses such as a gift shop, bookstore, or limited food and drink services in cultural institutions. As background, Associate Planner Farrelly noted the Tigard Public Library was designed with a lobby space for a café, offering limited food and beverages to Library patrons and people attending events at the Community Room. However, eating and drinking establishments are not permitted in the R-12 zone where the Library is located. The proposed amendment would clarify the standing of this café and any future similar situations by allowing incidental and subordinate uses in cultural institutions.</p> <p>Associate Planner Farrelly said the proposal would also create a new sign classification: "Cultural Institution Auxiliary Signs" that would allow the subordinate use to have appropriate signage that is strictly limited in size and placement.</p> <p>Associate Planner Farrelly reviewed key findings:</p> <ul style="list-style-type: none"> <li>• Allowing incidental and subordinate uses would be</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>beneficial to the institutions and community by allowing convenient services for patrons as well as a supplemental income for public and non-profit cultural entities.</p> <ul style="list-style-type: none"> <li>• The externalities associated with commercial uses, such as traffic, are unlikely to be an issue because these uses will primarily serve patrons of the institutions.</li> <li>• The proposal for the auxiliary signs is consistent with the stated purpose of the sign chapter.</li> <li>• Signs will likely be unobtrusive since the proposal has a limit of one sign with an area of four square feet per sign face.</li> <li>• The sign must either be within an existing freestanding sign or, if it is a wall sign, it must be consistent in structure and materials with any existing wall sign on the cultural institution.</li> </ul> <p>Associate Planner Farrelly said the staff finds the proposed amendment meets all the applicable review criteria. All notification procedures have been followed. On June 5, the Tigard Planning Commission held a public hearing on the proposed changes. The Planning Commission recommended approval by a unanimous vote.</p> <p>Staff recommended the proposed ordinance be adopted.</p> <p>Mayor Dirksen said he appreciated the phrasing of the ordinance for the way it will allow some appropriate signage but at the same time restrict it in such a way that it would not be inappropriate.</p> <p>Councilor Wilson said he was concerned. He noted that \$90,000 was spent for the coffee bar. "Everybody wanted one...we found a good vendor and tried to make it work and it just wasn't enough." He questioned whether the sign would make the difference for the vendor and was not sure that it would. Councilor Wilson said if the intent is to give them a little boost then it truly isn't just the Library patrons who will make it work – people must be drawn off of Hall. If this is going to be accomplished by means of a sign, then it needs to be readable. He questioned whether the proposal was enough to be helpful.</p> <p>Interim Community Development Director Coffee noted staff tried to be more restrictive because the use is not located in a commercial zone and the intent is for the use to be incidental. They did not want the coffee</p>	

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	<p>shop sign competing with the principal sign (Tigard Library). A properly designed logo could complement the wall in the library within the criteria. Councilor Wilson asked if the vendor could use their own brand colors. Interim Community Development Director Coffee said he thought if the colors were in the vendor's logo, it would be all right.</p> <p>Councilor Woodruff asked if there were vendors who were willing to "give it a go"? Assistant City Manager Newton said it was her understanding Purchasing is working on obtaining proposals. Mayor Dirksen asked if interested vendors have commented on the proposed amendments. Councilor Wilson said he would prefer to wait to make a decision on this amendment until comments are received from potential vendors.</p> <p>Councilor Wilson said it's possible the coffee shop patrons might not even visit the Library. He noted the volume of traffic on Hall in the mornings. Councilor Harding said the Library is not open at that time of day. She commented that the cost for the coffee area was \$95,000 and was something that people had asked for. She said putting a sign in of any kind will cheapen that area. She noted efforts to keep the library building "as gentle with the landscape as possible because of the wetlands." She said the Library has a large amount of publicity and public traffic. If a coffee shop cannot be successful, then it might be because it isn't open for early morning hours, while the Library is open limited hours. Vendors should realize that this will not be a "great big huge profiting" venture for any vendor because of the hours and the scope. Councilor Harding said it might be necessary to reevaluate whether this is the highest and best use of the Library's lobby. She noted issues with the acoustics, which doesn't lend itself to people wanting to sit and chat. She noted that it is nice to have a vendor on site to cater meetings. She said the lobby might be used for something else to help communicate to the community about what the City represents; i.e., what is happening at City Hall regarding Council goals.</p> <p>Councilor Wilson said he wasn't sure why the coffee vendor couldn't be open when the Library is closed. Interim Community Development Director Coffee noted the previous vendor was opening a half hour before the Library in the morning, so it is possible to have different hours. Councilor Wilson said he doesn't think that the vendor sign would detract from the Library and would like to explore what it would take for</p>	

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	<p>a vendor to make a go of it, including having hours different from the Library.</p> <p>Assistant City Manager Newton said staff will get a comment from a potential vendor about the proposed amendment. Councilor Harding noted it might be good to consider an expanded operations; i.e., a “regular café.” Discussion followed with Interim Community Development Director Coffee reminding the City Council that the base zone in the area is residential. The proposed language acknowledges that the small, limited, and incidental commercial use is allowed in a residential cultural institution and states what type of sign is allowable.</p> <p>Councilor Woodruff said he agreed with Councilor Wilson in that if the purpose is to have a service that is a convenience for Library patrons and also attract a vendor, then there should be a conversation with potential vendors regarding what it would take to enter into an agreement to provide the service. If the purpose is to change this to help a vendor be successful, then it seems as if it should be discussed with potential vendors.</p> <p>Councilor Wilson said the issue might be something that hasn’t been thought of such as lighting or posting hours.</p> <p>Mayor Dirksen said since there is no need to hurry this item, he would prefer to wait to make a decision on the proposed amendment so that staff can obtain more information. Councilor Harding suggested getting information from the previous vendor about revenue and future revenue predictions. Interim Community Development Director Coffee noted there is policy about commercial and cultural signage. Perhaps the City will have a performing arts center some day or a non-profit organization that would like a gift shop; therefore, the decision will affect more than just the Library. Mayor Dirksen and Assistant City Manager Newton noted there is a gift shop in the Senior Center.</p> <p>In response to a question from Councilor Sherwood, Interim Community Development Director Coffee confirmed that Ordinance No. 06-09 will go into effect even though the hearing is being left open to consider the proposed amendment to the sign code.</p> <p>Consensus of Council was to continue the hearing to August 8, 2006.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>8. Comments to Washington County Commissioners Regarding Proposed Bull Mountain Incorporation</p>	<p>Mayor announced the Council's consideration of this agenda item. Jeanette Slepian addressed the Mayor advising she was present to make a comment on this agenda item, pursuant to the public notice on display announcing this meeting. She referred to wording saying that anyone wishing to speak on an agenda item should sign the appropriate sign-in sheet. She said she signed the appropriate sign-in sheet at 7:15 p.m. She said that "if you fail to recognize my signing that sign-up sheet, it also advises citizens that we should asked to be recognized by the Mayor at the beginning of that agenda item." She said that per the instructions of the public notice she was asking to be recognized.</p> <p>City Attorney Ramis advised that Agenda Item No. 8 was not on the agenda as a public hearing item; therefore, the City Council has no obligation to take testimony. He said he disagreed with Ms. Slepian's analysis of the statement on the agenda regarding allowing people to speak. Ms. Slepian said she is also an attorney; the agenda does not state that one can only speak if it calls for a public hearing. City Attorney Ramis clarified that under Oregon's public meeting, the Council is obligated to have a hearing where people can observe the City Council discussing items. Public testimony is required where the City Council has so designated on the Agenda.</p> <p>Ms. Slepian asked if she was being denied the right to speak. She said she came to the meeting expressly pursuant to the notice. Assistant City Manager Newton explained that the agenda asks for individuals to sign in on the appropriate sign-in sheet. Ms. Newton advised Ms. Slepian she signed up to speak on Agenda Item No. 2, Citizen Communications. Ms. Slepian's name was called. The Citizen Communications sign up sheet is for people who want to testify on an item that is not scheduled on the agenda. There is no sign up sheet for Agenda Item No. 8 because it is not a public hearing and the City Council is not taking public comment on that item.</p> <p>City Attorney Ramis said that "our" process is that anyone may at any time ask to be recognized by the Mayor, which is what has happened here. The obligation, however, to hear a person is only on those items that have been scheduled as public hearing. "So, a person can ask, but it is not guaranteed that they will be recognized for testimony."</p> <p>Ms. Slepian said, "So, I am asking, are you going to grant</p>	<p>Mayor Dirksen confirmed that Council direction to staff is to prepare a letter to the Commissioners outlining the issues presented in the memo prepared by Interim Community Development Director Coffee with the amendments as discussed tonight. This letter will be sent to the Commission in advance of their hearing. Consensus of Council was that the Mayor review and sign the letter.</p>



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	<p>my ability to be heard, or are you denying the ability to speak.” Mayor Dirksen said he would first like to hear the staff presentation. Once that has been done, the Mayor said he would ask the City Council for comment and at that time, he will ask the Council members if they would be interested in taking public comment.</p> <p>Ms. Slepian said her comment was relevant to the fact that staff comments were being made to give to the Washington County Commissioners without the input of a public hearing. As elected public officials this was a critically, vital community issue and she would hope the City Council would want to solicit public comment prior to eliciting comment from staff and reporting it at the City Council meeting. She said she would hope the City Council would want to hear from constituents affected by such a vital issue. Mayor Dirksen said he would appreciate it if Ms. Slepian had further comments that she would hold them until she was recognized and he asked her to take a seat in the gallery. The Mayor said the Council would proceed with this item and, at the appropriate time, the Council would discuss whether public comment is appropriate.</p> <p>Ms. Slepian asked if she would be recognized later. Mayor Dirksen said he cannot promise her that she would be allowed to speak, but did promise that the City Council would discuss the issue.</p> <p>Interim Community Development Director Coffee referred to a memo he prepared which attempts to summarize the comments and observations the Council has made over the past month or two in various meetings discussing proposed incorporation and the Council’s potential and planned participation in the Washington County hearing on July 25. Interim Community Development Director Coffee said that earlier this evening, Lisa Hamilton-Treick mentioned he would make a correction to the memorandum. In the memorandum he discussed the workshop that the City Council had was on June 21<sup>st</sup>, and it was actually on June 20. He said the Bull Mountain Citizens for Incorporation were invited by letter from the Mayor. The people who attended that June 21 meeting indicated they would be prefer to be recognized as the “Friends of Bull Mountain.”</p> <p>Interim Community Development Director Coffee said the memo points out that the City Council has no intention of raising procedural objections to the incorporation process. For example, currently the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Urban Planning Area Agreement with Washington County and the City of Tigard indicates that the City would be the ultimate provider of services in that area. Washington County has requested that the City consider an amendment to that Urban Planning Area Agreement that indicates that if a city is incorporated within that unincorporated area, the City and County would amend the agreement to exclude the City of Tigard. Those are the kinds of procedural things that the City of Tigard has indicated they intend to go along with or approve. If the City didn't do that, it might be a basis for objecting to the new City.</p> <p>Interim Community Development Director Coffee said the City staff reviewed the Economic Feasibility report for the proposed City and provided the City Council with comments and issues raised by that study at the workshop. The Council has indicated that those are reasonable questions or issues to raise at the County level. The consultant for the Bull Mountain Economic Feasibility Study appeared before the City Council and raised concerns about the balanced nature of the Tigard staff's report and whether the staff should have looked into more positive aspects of the new city. Staff could have done that, but the staff was concerned about where there is potential for concern on how the City of Tigard could be affected.</p> <p>Interim Community Development Director Coffee noted the City Council indicated they were particularly concerned about potential adverse affects of the City of Bull Mountain on City services: parks, police, and library. These are concerns where the City would want to make comments to the County.</p> <p>Interim Community Development Director Coffee referred to the issue of logical boundaries. The State indicates that the City of Tigard can comment on this to the County Commissioners as the proposed City is considered for formation. In the report, staff described an area that the City Council has talked about, requesting that it be excluded from the proposed city. Maps were provided tonight showing that area. Staff understands the City to be interested in indicating to the County that we request those areas be excluded from the proposed city.</p> <p>The above represents the four areas discussed by the City Council with regard to preliminary findings before the City makes comments to the County. The memo is intended to either confirm those four areas of concern</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>or issues and, if they aren't correct, then now is the time to discuss Council's suggestions for adding to or deleting from the comments.</p> <p>Councilor Sherwood noted an agreement with the Sheriff's department for mutual response. She said she thought the City was going to ask if that will be feasible for us to continue. She said there would be less Sheriff patrol within that area, so would the City still be expected to provide the same support. Councilor Sherwood said if more police coverage is expected, it is not known how much would be needed. Interim Community Development Director Coffee noted he would add: Would the City be expected to continue the mutual response agreement and, under such an agreement, would we have to provide more police? Councilor Sherwood added that the Sheriff would be the one who would have to answer this question.</p> <p>Mayor Dirksen said he was assuming the intent would be to create a letter from Council to the Commissioners based on the comments in the memo. Interim Community Development Director Coffee said the form had not been discussed, but agreed that a letter could be drafted. Mayor Dirksen said that the Council needs to discuss this.</p> <p>Councilor Harding said she thought the Council needed more information regarding Councilor Sherwood's comment. She said she understood there would be no change to the police service. While the Sheriff's patrol would go away, the ratios would remain the same. Therefore, she questioned whether the impact would be changed from what the experience is now. She asked if there were any "hard numbers" about how much the police have to respond to King City or Bull Mountain. Interim Community Development Director Coffee said this information could be obtained from Police Chief Dickinson.</p> <p>Councilor Sherwood said the amount of Sheriff coverage would go down to half of what is now. Councilor Wilson said it has always been difficult to pin down how much actual coverage is available. The officers roam at large and are not in a particular area's boundary. Councilor Wilson said, "It is a fictitious number and that I think that in some ways, if a future City of Bull Mountain were actually paying or had contract for service...there would probably be more accountability...than there is now...It's arguably a better situation."</p>	

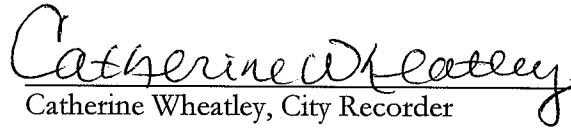
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Assistant City Manager Newton said that what she was hearing was that the Council's question for the Commission is that Sheriff coverage is unclear. Since it is unclear, then it is not fair to the Council to know what the impact will be on the City and what the expectation will be with regard to the mutual response agreement. This is a question that the City Council would like to see addressed.</p> <p>Councilor Woodruff said he did not see anything "too new" in Interim Community Development Director Coffee's memo. The issues have been discussed for a long time in all kinds of public hearings and with the Commissioners in various forums. The only thing that is new is the boundary issue and the City's interest in certain properties. He said he did not have a problem with how the memo was prepared. He pointed out that tonight is not the forum that it was a year ago, when the City was making decisions affecting the lives on Bull Mountain. The decision is now out of the City of Tigard's hands. Councilor Woodruff said, "We are operating as a City doing what we think is in the best interest of our City. The Board of Commissioners is going to make the decision, whether they agree with our position or if they agree with other positions. They are the elected body for the unincorporated area. I know people would like for us to do something different and make things better for areas that aren't under our control as a City, but that body is the Board of Commissioners. We are going to make the best shot we can to say, 'Here are concerns we have.' As a City that is what our fiduciary responsibility is and those are the people who elected us and you're going to have the same ability to talk with the people that represent you..."</p> <p>Interim Community Development Director Coffee said staff will prepare a document elaborating on the police service section, indicating the question for which the City of Tigard does not have the answer to and for which the City would like to hear an answer. Mayor Dirksen clarified: What would the impact be and what would the City's responsibility be under the new circumstances. Councilor Sherwood asked whether a new agreement would need to be negotiated or would the Commission expect the City to keep functioning as it is now.</p> <p>Assistant City Manager Newton noted that some of the questions on this service might be answered with the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>County staff presentation and report. She said she understands that the County staff is reviewing information from the Sheriff's office, which may shed some light on this issue.</p> <p>Mayor Dirksen then asked for the City Council to comment on the request to allow public testimony on this agenda item. He said that if the Council was to take comment that he could see where it might be appropriate to take public comment from the citizens of Tigard. He said he saw no value or use from taking comment from people who do not live in the City of Tigard because we are preparing the comments from the City of Tigard. He said he did not see a need at this point to take public comment; however, if the Council were to do so, it was his opinion that it should be restricted to Tigard residents.</p> <p>Councilor Woodruff asked if anyone has heard from Tigard residents about this and noted he had not received any communications. Mayor Dirksen said he has received some informal comments from citizens. He said what he has heard from people has been consistent with the Council's position.</p> <p>Councilor Wilson said, "...As you said, we represent Tigard citizens...we do not have direct democracy where we invite some citizens in to tell us 'how we think you should act'...we are in a representative capacity doing what we believe is best for our constituents. To me, it's somewhat offensive to go out of order simply because someone claims they are an attorney and they know this is the way we should do it and we should listen to someone who is not a constituent. We have different interests...you will have your chance at the hearing." In response to a remark from the audience, Councilor Wilson said that the agenda form will be corrected.</p> <p>Councilor Harding said the agenda form is confusing and it is not clear with regard to whether public comments will be received. City Attorney Ramis said it is always possible to make a form more clear, but there was nothing in the agenda document that assures anyone the opportunity to testify. It simply says that on any item you may request to be recognized; it is up to the Council to recognize people.</p> <p>Councilor Wilson noted the Council has typically been very deferential on that point. The City needs to move on and focus on what services we need to provide to</p>	

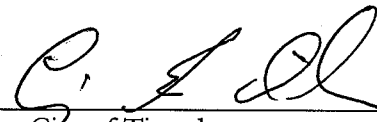
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>our citizens and try to minimize services that are being provided outside our territory.</p> <p>Councilor Harding commented that she saw a similar issue a week ago when the CCAC was discussed. There was no opportunity for people to speak at that time. This is something the City Council needs to think about as a whole in how we communicate with constituents or others. She said she didn't have a problem with letting people speak on the issue tonight.</p> <p>Councilor Harding said there was a reference to areas 63 and 64. She said that more than once in the last two years, she has asked if there was clear delineation from the County and from Metro and Beaverton stating that since they are contiguous that is absolutely not of any interest to them. She has not read anywhere that those two areas are bequeathed to Tigard. She said she did not have adequate background to say she supports everything stated in the City Council's position. Mayor Dirksen asked for clarification about where Area 63 and 64 were referred to. Interim Community Development Director Coffee advised these areas are not referred to in the memo. Interim Community Development Director Coffee said Areas 63 and 64 were discussed when the Council reviewed the Economic Feasibility Report, because it was being assumed in the report that these areas would be in the City of Bull Mountain and they were relying on development to support their third-year budget.</p> <p>Mayor Dirksen confirmed that Council direction to staff is to prepare a letter to the Commissioners outlining the issues presented in the memo prepared by Interim Community Development Director Coffee with the amendments as discussed tonight. This letter will be sent to the Commission in advance of their hearing. Consensus of Council was that the Mayor review and sign the letter. Councilor Woodruff noted this would be a public document. Councilor Wilson said he reserves his right to say anything he wants to the Commission without reviewing it with anyone first. Councilor Harding said as a citizen, "you have that right."</p> <p>Assistant City Manager Newton asked about how the City Council wants to handle the presentation at the meeting. This will be discussed on July 18.</p> <p>Ms. Slepian asked for a point of clarification whether her request was formally denied even though, as Councilor Wilson said, in the past the Council has been deferential</p>	

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	in allowing anyone to speak.” Mayor Dirksen confirmed that her request to speak was denied.											
	Council meeting recessed: 9:44 p.m. Council meeting reconvened: 9:50 p.m.											
10. Non Agenda Item	<p>Assistant City Manager Newton advised that the non-agenda item before the Council had been discussed in the Executive Session regarding a real property acquisition. The City Council is being asked to consider a proposed purchase agreement between the City and the Cach family. Ms Newton advised that the appropriate motion would to approve the purchase agreement and authorize the Assistant City Manager to execute the document.</p> <p>Assistant City Manager Newton explained that the purchase of this property would provide a site for a reservoir in this area. The water distribution plan calls for a two million gallon reservoir in this area. We are looking at it being in the 550-foot elevation on the northwest side of Bull Mountain to serve local neighborhoods at and below this elevation. This is a key site because it is high enough to accommodate a partially buried reservoir in this area. We have been working for several years to secure a site for a reservoir in this area. The Cach family has agreed to the terms. This is a 4.13-acre property consisting of four tax lots located off of Sunrise Lane and it is acceptable for the purposes of siting the reservoir. Mayor Dirksen and Assistant City Manager Newton said it is the only site in the area high enough to accommodate the reservoir to serve that area.</p> <p>Assistant City Manager Newton confirmed for Councilor Woodruff that the City has been in negotiation for this site for several months and that the Cach family would like to close the transaction this week if possible.</p>	<p>Councilor Woodruff said since the site is needed, the price has been agreed upon, and the funds are available, he would make a motion to purchase the property. Councilor Sherwood seconded the motion.</p> <p>Mayor Dirksen clarified that the motion should be stated to approve the purchase agreement that was reviewed in Executive Session and authorize the Assistant City Manager to execute the document.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											
Adjournment	The meeting was adjourned at 9:53 p.m.	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes				
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		Councilor Wilson Yes Councilor Woodruff Yes

  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: 8.8.06